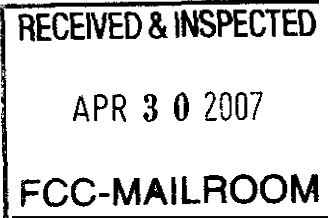


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FORWARDED TO THE ATTORNEY GENERAL



**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In Re the Matter of:

DAVID L. TITUS,

Amateur Radio Operator and Licensee of
Amateur Radio Station KB7ILD.

EB Docket No. 07-13

FRN No. 0002074797

File No. EB-06-IH-5048

DAVID TITUS' RESPONSE TO MOTIONS
TO COMPEL

Mr. Titus timely filed detailed and specific answers and responses to the Enforcement Bureau's discovery requests. He forwarded to the Bureau the only documents requested which he had or had found (not surprising, given that the Bureau's case is based in a conviction fourteen years ago when Mr. Titus was eighteen.) In addition, he stated that he would supplement several of his answers and responses when and if he found additional responsive information and documents. Mr. Titus' attorneys also believed it was obligatory to set forth objections, both as to the apparent scope of some of the discovery requests, and to protect Mr. Titus in the event that future as-yet undiscovered information or documents contained information that was confidential and privileged.

The Bureau has now filed two lengthy, repetitive, overwrought motions accusing Mr.

DAVID TITUS' RESPONSE TO MOTIONS TO COMPEL

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Telephone 206.826.1400
Fax 206.389.1708

1 Titus of frustrating the Bureau's efforts to meet its burdens, including multiple paragraphs
2 attacking Mr. Titus for failing to file a proof of service when there is no dispute that the
3 Bureau timely received his responses, and failing to file a privilege log when Mr. Titus has
4 stated that he has not withheld any responsive documents which he has located to date. The
5 Bureau's motions should be denied.

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7 **RESPONSE TO MOTION TO COMPEL PRODUCTION**

8 **Request No. 1:** Mr. Titus has produced the only documents he has related to his one
9 felony conviction: his Judgment and Conviction from fourteen years ago. He will continue
10 to see if he can find any more. He has provided the Bureau with the case name and cause
11 number so that they can look for such records themselves. His objections are stated because,
12 if in the process of further looking, Mr. Titus finds any documents which may be privileged,
13 his attorneys do not wish to be subject to any waiver of privilege claim.

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15 **Request No. 2:** Mr. Titus has not been able to find any documents relating to his
16 few communications with the FCC. He further objected because the FCC itself should
17 surely have copies in any event. The Bureau apparently believes that, while the FCC does
18 not retain all documents. Mr. Titus should.

19
20 **Procedural Infirmities:** Mr. Titus' attorneys apologize. They made an effort to get
21 the responses and answers served and filed on time – and they were successful – despite the
22 absence for an entire week of the legal assistant employed in the Law Office of David S.
23 Marshall.

24 ///

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2 someone who would say something damaging about Mr. Titus.

3 Obviously, should Mr. Titus choose to call any person as a witness (Interrogatory No.
4 13), he will fully identify that person to the Bureau so that they can be subject to cross-
5 examination. But Mr. Titus and his attorneys have simply not yet identified those
6 individuals. The Bureau's suspicion (Interrogatory No. 14) that Mr. Titus is planning to
7 surprise the Bureau with unnamed witnesses and unusual theories is totally unfounded. The
8 basis of his case is simple: He was convicted when he was teenager and has no recurrence
9 of the problem for which he was convicted in the fourteen years since.
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11 CONCLUSION

12 Mr. Titus is a law-abiding citizen who admittedly committed a serious offense
13 fourteen years ago when he was eighteen years old. He has been thrown into these
14 proceedings by an aggressive Enforcement Bureau which seems to believe that he has been
15 engaged in all kinds of unknown nefarious dealings on his ham radio which will be
16 uncovered by rifling through all aspects of his personal and professional life - and that he is
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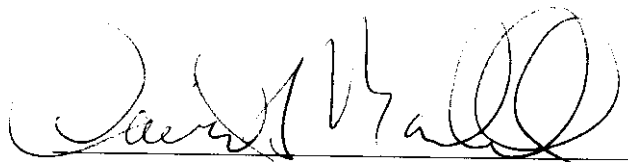
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1 Respectfully submitted this 24th day of **April**, 2007.

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4 DAVID S. MARSHALL, WSBA No. 11 16
5 STEVEN D. BROWN, WSBA #11759
6 Attorneys for David L. Titus

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DAVID 'TITUS' RESPONSE TO MOTIONS TO COMPEL
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CERTIFICATE OF SERVICE

13
14 Tracey McDonald. Legal Assistant for the Law Office of David S. Marshall, certifies
15 that on the 24TH day of April, 2007, she deposited in the United States mail with postage
16 prepaid thereon. copies of *David Titus' Response to Motions to Compel* to:

17 Chief Administrative Law Judge Richard L. Sippel*
18 Federal Communications Commission
19 445 12th Street. S.W., Suite 1-C768
Washington, D.C. 20054

20 Gary Schonman
21 Special Counsel
22 Investigations and Hearings Division
23 Federal Communications Commission
445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554

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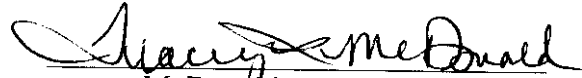
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2 Attorney
3 Investigations and Hearings Division
4 Federal Communications Commission
5 445 12th Street, S.W., Room 4-C330
6 Washington, D.C. 20554

7 *Facsimile only to 202.418.0195

8 
9 Tracey McDonald

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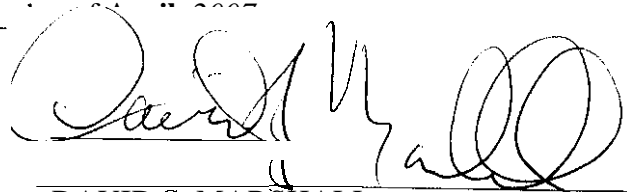
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Page 4.

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Respectfully submitted this 24th day of May 2007



DAVID S. MARSHALL, WSBA No. 11716

STEVEN D. BROWN, WSBA #11759

Attorneys for David L. Titus

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AVID TITUS' RESPONSE TO MOTIONS TO COMPEL

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Tracey McDonald

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